

This order is SIGNED.

Dated: March 1, 2018

William T. Thurman

**WILLIAM T. THURMAN
U.S. Bankruptcy Judge**



mpw

Order prepared and submitted by:

Lon A. Jenkins (4060)
Tami Gadd-Willardson (12517)
MaryAnn Bride (13146)
Katherine T. Kang (14457)
OFFICE CHAPTER 13 TRUSTEE
405 So. Main Street, Suite 600
Salt Lake City, Utah 84111
Telephone: (801) 596-2884
Facsimile: (801) 596-2898
Email: utahtrusteemail@ch13ut.org

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH
SOUTHERN DIVISION**

In re: RUSSELL CARTER FELLER JANELL KAYE FELLER Debtors	Case No. 17-29673 Chapter 13 Hon. William T. Thurman
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**ORDER ON TRUSTEE'S MOTION TO DISMISS UNDER 11 U.S.C. § 1307(c)
BECAUSE UNSECURED DEBT EXCEEDS CHAPTER 13 LIMIT**

The Trustee filed a Motion to Dismiss Under 11 U.S.C. § 1307(c) because unsecured debt exceeds Chapter 13 Limit. The Notice and Opportunity for Hearing provided that if no response to the Motion was filed, the relief requested may be granted without further steps. The objection deadline passed on February 20, 2018. No objections

or responses to the Motion to Dismiss Under 11 U.S.C. § 1307(c) because unsecured debt exceeds Chapter 13 Limit,

It is hereby:

ORDERED THAT:

1. The Trustee's Motion to Dismiss is hereby granted.
2. The Debtors' case shall be dismissed.
3. Of the funds being held in this case, the Trustee shall pay, to the extent funds are available, the following claims in the following priority: (1) the allowed fee to the Trustee under 28 U.S.C. § 586(e); (2) adequate protection payments provided for in the proposed plan, stipulated to by the parties, or ordered by the Court; (3) allowed administrative expenses, including attorney's fees and costs in the total amount of \$0.00, less any retainer on the Bankruptcy Rule 2016 statement; and (4) with the balance of such funds to be returned to the Debtors pursuant to 11 U.S.C. § 1326(a)(2) by a check made payable to the Debtors' and mailed to the Debtors' most recent address on file with the Bankruptcy Court.

END OF DOCUMENT

DESIGNATION OF PARTIES TO BE SERVED

Service of the foregoing Order shall be to all parties and in the manner designated below:
By Electronic Service: I certify that the parties of record in this case as identified below
are registered CM/ECF users and will be served notice of entry of the foregoing Order
through the CM/ECF system:

LEONARD J. CARSON - ECF Notification

LON A. JENKINS - ECF NOTIFICATION

By U.S. Mail: In addition to the parties of record receiving notice through the CM/ECF
System, the following parties should be served notice pursuant to FRCP 5(b)

RUSSELL CARTER FELLER
JANELL KAYE FELLER
885 N OLD FARMS RD
DAMMERON VALLEY, UT 84783

Certificate of Notice Page 4 of 4
United States Bankruptcy Court
District of Utah

In re:
Russell Carter Feller
Janell Kaye Feller
Debtors

Case No. 17-29673-WTT
Chapter 13

CERTIFICATE OF NOTICE

District/off: 1088-2

User: adw
Form ID: pdfor1

Page 1 of 1
Total Noticed: 1

Date Rcvd: Mar 01, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 03, 2018.

db/jdb +Russell Carter Feller, Janell Kaye Feller, 885 North Old Farms Road,
Dammeron Valley, UT 84783-5203

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 03, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 1, 2018 at the address(es) listed below:

Leonard J. Carson on behalf of Joint Debtor Janell Kaye Feller len@pearsonbutler.com,
kylie@pearsonbutler.com
Leonard J. Carson on behalf of Debtor Russell Carter Feller len@pearsonbutler.com,
kylie@pearsonbutler.com
Lon Jenkins tr ecfmail@ch13ut.org, lneebling@ch13ut.org
Mark S. Middlemas on behalf of Creditor Federal National Mortgage Association ("Fannie Mae")
LundbergECFmail@Lundbergfirm.com, ecfmaildistgroup@lundbergfirm.com
Quinn A. Sperry on behalf of Creditor Dammeron Valley Landowners Association, Inc.
Quinn@morrisssperry.com, sydney@morrisssperry.com
Russell G. Evans on behalf of Joint Debtor Janell Kaye Feller russell@pearsonbutler.com,
kylie@pearsonbutler.com
Russell G. Evans on behalf of Debtor Russell Carter Feller russell@pearsonbutler.com,
kylie@pearsonbutler.com
United States Trustee USTPRegion19.SK.ECF@usdoj.gov

TOTAL: 8